

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VELMA ROBINSON,

No. C-14-5153 EMC

Plaintiff,

v.

RAY MABUS,

**ORDER ADOPTING REPORT AND
RECOMMENDATION; AND
GRANTING DEFENDANT'S MOTION
FOR JUDGMENT ON THE PLEADINGS**

Defendant.

(Docket Nos. 6, 14)

Plaintiff Velma Robinson, proceeding pro se, has filed suit against Defendant Ray Mabus, Secretary of the Navy, for personal injuries suffered while she was employed by the U.S. Department of the Navy from 1980 to 1986. In January 2015, the government filed a motion for judgment on the pleadings, asserting that Ms. Robinson's claims should be dismissed because she failed to timely exhaust administrative remedies. After Ms. Robinson failed to file an opposition to the motion, and after briefing on the motion closed, Judge Westmore issued an order, instructing Ms. Robinson to show cause as to why her case should not be dismissed for failure to prosecute. In the same order, Judge Westmore instructed Ms. Robinson to file an opposition to the government's motion or alternatively a statement of nonopposition. Judge Westmore expressly warned Ms. Robinson that "[f]ailure to timely file both documents may result in the dismissal of this action for failure to prosecute." Docket No. 12 (Order at 1).

Ms. Robinson failed to file a response to the order to show cause. She also failed to file an opposition or a statement of nonopposition to the government's motion. Accordingly, in April 2015, Judge Westmore issued a report and recommendation, in which she recommended that the

1 government's motion be granted as unopposed and the case be dismissed with prejudice.
2 "Specifically, based on the face of the complaint, it appears that Defendant's assertion that
3 Plaintiff's allegations are time-barred is correct because Plaintiff's alleged injuries were sustained
4 more than twenty years ago." Docket No. 14 (R&R at 2). A copy of the report and recommendation
5 was served on Ms. Robinson. Ms. Robinson has not filed any objection to the report and
6 recommendation.


7 The Court finds Judge Westmore's report and recommendation thorough, well reasoned, and
8 correct and therefore **ADOPTS** it as the order of the Court. The government's motion for judgment
9 on the pleadings is **GRANTED**. Furthermore, dismissal of this case is warranted based on Ms.
10 Robinson's failure to prosecute.

11 The Clerk of the Court is instructed to enter judgment in accordance with this opinion and
12 close the file in the case.

13 This order disposes of Docket Nos. 6 and 14.

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15 IT IS SO ORDERED.

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17 Dated: May 12, 2015

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20 EDWARD M. CHEN
21 United States District Judge
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